United States Court of Appeals

FOR THE EIGHTH CIRCUIT

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No. 98-3752

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United States of America,   *
                                               *
      Appellee,   *
                                               *   Appeal from the United States
    v.   *   District Court for the
                                               *   Eastern District of Arkansas.
Michael Chambliss,   *
                                               *   [UNPUBLISHED]
      Appellant.   *

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Submitted: December 7, 1999
Filed: December 21, 1999

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Before MORRIS SHEPPARD ARNOLD, BRIGHT, and MURPHY, Circuit Judges.

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PER CURIAM.

In this appeal following revocation of Michael Chambliss's supervised release, counsel moved to withdraw and filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), suggesting the district court[1] abused its discretion in denying Chambliss's request for imprisonment without further supervised release and in prohibiting him from drinking alcohol during court-ordered drug treatment.

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[1]The Honorable Elsijane Trimble Roy, United States District Judge for the Eastern District of Arkansas.

We conclude the district court acted within its discretion in sentencing Chambliss to 3 months imprisonment plus the remaining 48 months of his original 60-month supervised-release term. See 18 U.S.C. § 3583(h) (when district court revokes supervised release and sentences defendant to imprisonment for less than maximum term of imprisonment authorized under 18 U.S.C. § 3583(e)(3), it may require that defendant be placed on supervised release after imprisonment); United States v. St. John, 92 F.3d 761, 766 (8th Cir. 1996) (original term of supervised release caps maximum period of time defendant's freedom can be restrained upon revocation of supervised release). Likewise, the court acted within its sound discretion in prohibiting Chambliss from drinking any alcohol during drug treatment. See United States v. Behler, 187 F.3d 772, 779 (8th Cir. 1999).

In accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we have reviewed the record for any nonfrivolous issues and have found none. Accordingly, we grant counsel's motion to withdraw, and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.